

**COUNCIL OF THE VILLAGE OF BOSQUE FARMS
MINUTES OF THE REGULAR MEETING
JANUARY 20, 2011**

1. CALL TO ORDER

Mayor Wayne Ake called the meeting to order at 6:00 p.m.

2. ROLL CALL

Present were Mayor Wayne Ake, Councilors Russ Walkup, Dolly Wallace, Bob Knowlton and Bill Kennedy, Clerk/Administrator Gayle Jones, Assistant Clerk Cheryl Hibdon and Attorney David Chavez' assistant Laura Vega.

3. SILENT INVOCATION

Mayor Ake asked everyone to remember Congresswoman Giffords and everyone in Tucson who lost a loved one and to also remember our military in harms' way.

4. PLEDGE OF ALLEGIANCE

Councilor Knowlton led the Pledge of Allegiance.

5. APPROVAL/DISAPPROVAL OF AGENDA

Councilor Walkup moved to approve the agenda. Councilor Kennedy seconded. **Motion carried unanimously.**

6. APPROVAL/DISAPPROVAL OF MINUTES

December 16, 2010 Regular Meeting

Councilor Walkup stated that he had seconded the motion on the Treasurer's Report (page 1, line 46), not Councilor Wallace, as she was not at that meeting.

Councilor Wallace asked to include the letter read by Sharon Eastman in the minutes as part of the record.

Mayor Ake stated that the minutes would stand as corrected.

7. DEPARTMENTAL REPORTS

Police Chief Greg Jones thanked everyone who helped out with Toys for Tots and gave the monthly report for December.

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8. TREASURER'S REPORT

Councilor Knowlton moved to approve the December 2010 Treasurer's Report. Councilor Walkup seconded. **Motion carried unanimously.**

9. NON-AGENDA ITEMS – DISCUSSION LIMITED TO 1 1/2 MINUTES

Lillie McNabb, Bosque Farms resident, announced that the school board election would be held on February 1 at the rodeo arena from 7:00 a.m. to 7:00 p.m. She also attended another Older America meeting.

Bob Courtney, Bosque Farms resident, suggested using the services of a community contributor for advertising on the Village website, the Village newsletter, community center, etc.

Randy Sparks, Bosque Farms resident, presented questions to the Governing Body on how a recent dog bite court case was handled.

Charles Tabet announced that he was running for the school board and would be available for questions after the meeting.

10. OLD BUSINESS

A. Final Discussion of the Proposed Animal Control Ordinance

Mayor Ake opened discussion to Council.

Councilor Wallace voiced concerns about judicial and legislative conflicts in the proposed ordinance.

She also voiced concerns that commercial breeder premises and hobby breeder premises were included in the ordinance but there was no mention of commercial or hobby breeder. (See 8-2-2 – Definitions - L. and W.

8-1-3 Purpose E., H., J., K., and L. – These sections were removed and Councilor Wallace would like to see them added back into the ordinance.

Councilor Knowlton and Councilor Walkup agreed with adding 8-1-3 back into the ordinance

8-2-2 – Definitions - C. Animal – Councilor Wallace would like the state statute definition used.

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Councilor Walkup agrees that the definition of “animal” needs better defined.

Councilor Knowlton doesn't want to use the state statute but wants to include all domestic animals, excluding livestock.

Councilor Knowlton would like Commercial Breeder and Breeder Premises clarified. He asked if the context was right.

8-2-2 N. Companion Animal – Councilor Wallace would like the state statute definition used.

8-2-2 T. Exotic Animal – Councilor Wallace would like the state statute definition used, which is what the committee had used.

Councilor Knowlton questioned this definition.

Councilor Walkup agreed that this needed to be addressed and exotic animals is referred to in 8-4-8 Wild and Exotic Animals

8-2-2 U. Guard Dog/Security Dog or Patrol Dog Premises – Councilor Wallace wants this left in and have premises marked.

Councilor Knowlton suggested getting feedback from legal staff.

8-2-2 Y. Litter Permit - Councilor Knowlton wants “accidental” taken out of the ordinance.

Councilor Walkup wants “accidental” left in.

8-2-2 Z. Livestock – Councilor Wallace would like the last sentence “Livestock is excluded from this ordinance” moved to the body of the ordinance as this is not a definition.

Councilor Knowlton and Councilor Walkup agreed that the last sentence should be moved.

~~8-2-2 BB. Minimum Care~~ – Councilor Wallace asked why this definition was removed as it defines what care is.

8-2-2 AA. Nuisance Animal – Councilor Wallace questioned why part of the definition was removed.

8-2-2 CC. Pet Shop – Councilor Knowlton questioned the definition and Councilor Walkup agreed.

8-2-2 TT. Wild Animals – Councilor Knowlton and Councilor Walkup agreed that wild animals need to be defined.

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8-3-1 Rules and Procedures B. – Councilor Wallace would like this put back in the ordinance.

8-3-2 Procedures for Animal Control Officer – Councilor Wallace would like this reworded as follows: The Animal Control Officer(s) is given the primary responsibility for the enforcement of this Ordinance and is directed **by this ordinance** to investigate any alleged violation of this Ordinance.

8-3-2 B. Councilor Wallace asked why this was removed.

8-3-4 Animal Control A. – Councilor Kennedy had questions about entering private premises “as permitted by law”.

Councilor Knowlton would like “in order to enter a private premises” added to 8-3-4 B.

8-3-4 E. – Councilor Knowlton would like “costs” included with fees incurred due to impoundment.

8-3-4 G. – Councilor Wallace wants this left in and asked who else besides the Village Clerk/Administrator could approve the use of tranquilizer guns.

Councilor Walkup wants this left out of the ordinance. He stated that the law does not allow our Animal Control Officer to use enough tranquilizers to stop an animal and this could endanger the animal and the public.

8-3-7 Disposition of Impounded Animals A. – Councilor Wallace would like Valencia County Animal Control changed to Contract Provider.

Councilor Walkup agreed with Councilor Wallace.

8-4-2 Confined and Tethered Animals and Care and Maintenance

B. Confined Animals (Bill) - Councilor Knowlton suggested that less wording may be better and that he would like a legal opinion.

Mayor Ake stated that he was okay with this one.

C. Exterior Enclosures 2. Councilor Wallace would like this to be more specific. As it reads, this could allow cardboard boxes to be used as enclosures.

8-4-2 C. Tethered Animals (Bill) –

1. Councilor Wallace questioned excluding cats from this.

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Councilor Knowlton questioned 2 – 8 regarding tethering animals. He would like more information.

Mayor Ake was okay with tethering animals.

Councilor Walkup was against tethering animals.

E. Care and Maintenance – Councilor Wallace questioned protect the “health, safety and welfare of the animals.”

8-4-3 Confinement during Estrus

Councilor Wallace asked to look at the definition of “companion” animal.

Councilor Wallace and Councilor Knowlton would like “except livestock” struck from the sentence.

8-4-6 Cruelty to Animals.

B. Councilor Knowlton asked why this was left out. Councilor Wallace and Councilor Walkup wanted this left in.

E. Councilor Wallace and Councilor Walkup would like this left in.

8-4-7 Dangerous ~~Animals~~ Dogs and Potentially Dangerous Dogs –

A. Councilor Walkup had a problem with the wording. As is, a property owner would be liable for damages if another dog came onto his property and his dog attacked it.

8-4-8 Wild and Exotic Animals – Councilor Wallace stated there was no definition for this.

8-4-10 Commercial Breeding – Councilor Wallace would like this left under “Animal Control”.

8-4-11 Hobby Breeding – Councilor Wallace would like to bring back “Hobby Kennel” (premises).

Schedule of Fees and Fines

Councilor Wallace suggested adding “additional” to B. in the last line to read “The daily **additional** impoundment fee must be paid at the Valencia County Shelter.”

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Mayor Ake would like to remove the litter permit fee and just assign a permit number for publication purposes.

Councilor Wallace suggested lowering the hobby breeder permit fee. She thought \$100.00 was too much. She suggested charging \$100.00 for a commercial breeder fee.

Mayor Ake thanked Judge Kavanagh for looking at the ordinance. Mayor Ake thinks this ordinance was intruding too much in people's lives. The new ordinance was supposed to address dogs running-at-large and he thinks we have lost sight of the original intent and doesn't agree with government intrusion.

He agreed that wild animals should be put back in the ordinance, but he was against litter permits. Mayor Ake stated that he was okay with tethering animals.

Sharon Eastman, Bosque Farms resident, agreed that 8-1-3 E. should be left in the ordinance and she would also like to see F. left in.

8-2-2 BB. F regarding groom needed to be put in somewhere.

8-4-2 B. 2. Confined animals in shelters should be able to rest comfortably and should be able to "stand" in the enclosure.

8-4-2 D. Care and Maintenance (Dolly) – Add grooming under this section.

8-4-2 E. Care and Maintenance (Bill) – This should address "any" animal, not just confined or tethered. She agrees that animals should be tethered while riding in the back of a truck.

Olivia Lawrence, Bosque Farms resident, stated that 8-2-2 Definitions D., E. and F. were not defined in the body of the ordinance.

(Judge) Bob Kavanagh, Bosque Farms resident, asked what the cost would be to implement the procedures in this ordinance; this had not been addressed. It would increase the employees' work load.

Laura Vega would address these concerns with Attorney David Chavez.

11. NEW BUSINESS

A. Discussion/Consideration of Publication of Ordinance #2011-01 Prohibiting Hand Held Cell Phones/Texting While Driving

Councilor Wallace moved to approve publication of Ordinance #2011-01 prohibiting hand held cell phones/texting while driving. Councilor Walkup seconded.

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Councilor Wallace asked where the penalties and fees were in the ordinance as mentioned under Section 2. Purpose- #2. and #3.

Laura Vega stated that the fees were established in accordance with the NM Traffic Manual (Uniform Traffic Ordinance): \$100.00 fine plus required fees, as stated in other ordinances.

Councilor Wallace moved to amend the motion to include Uniform Traffic Ordinance fees and penalties in Section 2 - #2 & #3. Councilor Walkup seconded the amendment.

Councilor Knowlton added "It is the intent of the council to allow "hands free" operation of mobile telephones" at the end of Section 2 - #4 on page 1, line 27.

Councilor Walkup asked to remove line 4 and line 10 from page 2.

Councilor Wallace moved to amend the motion to include Councilor Knowlton's additional wording on page 1, line 27 and to delete Councilor Walkup's changes on page 2, line 4 and line 10. Councilor Walkup seconded the amended motion. **Motion carried unanimously.**

B. Consideration of Agreement with Yucca Little League for 2011

Councilor Wallace moved to approve the agreement with the Yucca Little League for 2011. Councilor Knowlton seconded. **Motion carried unanimously.**

C. Consideration of Resolution #736-11 Amending the FY 2010-2011 Budget (Line Item Adjustments)

Councilor Walkup moved to approve Resolution #736-11 amending the FY 2010-2011 budget (line item adjustments). Councilor Knowlton seconded. **Motion carried unanimously.**

D. Consideration of Resolution #737-11 Amending the FY 2010-2011 Budget (Increases)

Councilor Kennedy moved to approve Resolution #737-11 amending the FY 2010-2011 budget (increases). Councilor Walkup seconded. **Motion carried unanimously.**

12. MAYOR & COUNCILOR'S REPORTS

Councilor Walkup had no report.

Councilor Knowlton had no report.

Councilor Kennedy had no report.

Councilor Wallace gave an update on the status of her husband, Bob.

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Mayor Ake stated that he went to Santa Fe on Monday and met with all three representatives. He stated that there would be no capital outlay money this year.

1. ADJOURNMENT

Mayor Ake adjourned the meeting at 8:03 p.m.

PASSED, APPROVED AND ADOPTED THIS 17TH DAY OF FEBRUARY 2011

Wayne Ake, Mayor

(SEAL)

ATTEST:

Gayle A. Jones, Clerk/Administrator